

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEVONN DESHEA KINSEY,

Defendant.

No. CR-13-6003-EFS

**ORDER DECLARING MISTRIAL AND  
DIRECTING COUNSEL TO CONFER AND  
FILE A JOINT STATUS REPORT**

On June 24, 2013, this matter came before the Court for trial by jury. Defendant Devonn Deshea Kinsey was present, represented by defense counsel Rebecca Pennell and Rick Hoffman. Assistant U.S. Attorney Alex Ekstrom appeared on behalf of the U.S. Attorney's Office (USAO). On June 25, 2013, after the USAO and Defendant Kinsey presented their respective cases-in-chief, both parties rested, and the case was submitted to the jury at mid-afternoon. The jury deliberated until 6:30 p.m. and returned the next day at 10:00 a.m. At 10:57 a.m., it announced it was deadlocked. The Court sent the jury to lunch. After conferring with counsel, the Court returned the jury to the courtroom and read it an *Allen* charge using the Ninth Circuit Model Jury Instruction. The jury returned to deliberate but again announced it was deadlocked. The Court arranged a video conference from Spokane to Richland, brought the jury back into the

courtroom, made inquiry about the deadlock and upon being satisfied that the jury had made genuine though unsuccessful effort to reach a unanimous decision, discharged the jury with the thanks of the Court and counsel and the parties.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Court declares a **MISTRIAL** on Count 1 of the Indictment, ECF No. 18, with respect to Defendant Devonn Deshea Kinsey.

2. **By no later than July 2, 2013**, counsel shall confer and file a joint status report with recommendations (either joint or individual) as to the following, if applicable:

	Recommended Dates
New Rule 16 expert summaries produced to other parties and emailed to Court: USAO's Experts: Defendant's/s' Experts:	
New pretrial motions	(At least 3 weeks prior to the PTC, unless the parties agree to an abbreviated briefing schedule. All briefing must be complete at least 7 days before PTC)
<b>PRETRIAL CONFERENCE</b> <i>(Deadline for motions to continue)</i>	
Updated exhibit and witness lists filed and emailed to the Court	
Supplemental trial briefs, jury instructions, and/or requested voir dire filed and emailed to the Court	(At least 10 days prior to trial)
<b>JURY TRIAL</b>	

3. Pursuant to 18 U.S.C. § 3161(e), the Clerk's Office is directed to **RECALCULATE** Defendant's Speedy Trial Act period as beginning on the date this Order is signed.

